



29 AUG 2007

MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20004

In re Application of	:	
TEIFEL et al.	:	
Application No.: 10/575,779	:	NOTIFICATION
PCT No.: PCT/EP2004/011655	:	
Int. Filing Date: 15 October 2004	:	
Priority Date: 15 October 2003	:	
Attorney's Docket No.: 062587-5007	:	
For: METHOD OF ADMINISTERING CATIONIC	:	
LIPOSOMES COMPRISING AN ACTIVE DRUG	:	

This notification is in response to applicant's submission filed 25 June 2007 in the United States Patent and Trademark Office (USPTO).

#### **BACKGROUND**

On 15 October 2004, applicant filed international application PCT/EP2004/011655, which designated the U.S. and claimed a priority date of 15 October 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 06 May 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 April 2006 (15 April 2006 being a Saturday).

On 14 April 2006, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a copy of a declaration filed in the international application under PCT Rule 4.17(iv).

On 29 December 2006, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that the copy of the declaration filed 14 April 2006 was not in compliance with 37 CFR 1.497(a)-(b) because it did not identify the application to which it was directed and that the surcharge under 37 CFR 1.492(h) was required. The NOTIFICATION also indicated that a "Sequence Listing" as required by 37 CFR 1.821(c) was needed.

On 30 May 2007, applicant filed the instant submission which was accompanied by, *inter alia*, a petition/fee for a four-month extension of time, the surcharge under 37 CFR 1.492(h), and a number of declarations of inventors.

### **DISCUSSION**

The declaration of inventors filed 25 June 2007 signed by joint inventor Kurt Naujoks is not sufficient because it contains non-initialed, non-dated alterations. 37 CFR 1.52(c). "The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration." MPEP § 605.04(a), Item I. (Although the copy of the declaration under PCT Rule 4.17(iv) filed 14 April 2006 also contains non-initialed, non-dated alterations over the signature of Birgitta Sauer, another declaration of inventors signed by her which does not contain such alterations was submitted on 25 June 2007.)

The submission filed 25 June 2007 states that the application does not contain sequences and thus 37 CFR 1.821 is not applicable. From a review of the specification, it appears that no sequence listing is required.

### **CONCLUSION**

Applicants are required to file a declaration of inventors in compliance with 37 CFR 1.497(a)-(b) and 37 CFR 1.52(c) executed by Kurt Naujoks within a time limit of ONE MONTH from the date of this notification or within the time remaining in the response set forth in the NOTIFICATION mailed 29 December 2006, whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the NOTIFICATION mailed 29 December 2006 may be extended under 37 CFR 1.136(a).

Failure to timely file a proper reply will result in abandonment of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Daniel Stemmer  
Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty  
Legal Administration  
Telephone: (571) 272-3301  
Facsimile: (571) 273-0459